

Appendix G

Contract Checklist Form and Table

Contract Checklist form - Pages G-1 and G-2

The purpose of this form is to provide a checklist to remind contract managers of the contracting process steps.

Contract Checklist Table - Pages G-3 and G-4

The purpose of this document is to provide a means of documenting the contracting process.

Pre-Contract Planning

What are the services being contracted?

Do state agency personnel typically perform them?

What type of contract is this?

- ☐ Client Service
- ☐ Personal Service

Document the following pre-contract decisions:

- ☐ Funding Availability
- ☐ Type of Appropriation
- ☐ Cost/Benefit Analysis
- ☐ Available Public Resources
- ☐ Legal Constraints to Contracting
- ☐ Contracting with Current or Former State Employees
- ☐ Independent Contractor Relationship
- ☐ Fiscal Considerations (appropriate method of compensation and billing)
- ☐ Federally Funded Contracts (subrecipient or vendor)
- ☐ Audits (evaluate coverage provided by existing and anticipated audits)

Contractor Selection and Screening

- ☐ Competitive procurement process was used?
 - ☐ Were procedures sufficient to obtain an adequate number of responses?
 - ☐ How broadly was the solicitation for proposals advertised?
 - ☐ Were OMWBE firms afforded the maximum practical opportunity in the specific procurement?

Were appropriate contractor screening criteria and methods used? Consider the following contractor standards:

- ☐ Appropriate experience, staffing, technical qualifications, and facilities.
- ☐ Able to comply with the proposed or required time of delivery or performance schedule.
- ☐ Adequate administrative and financial capability for performance.
- ☐ Satisfactory record of integrity, judgment, and performance.
- ☐ Otherwise qualified and eligible to receive a contract under applicable laws and regulations.
- ☐ Provided evidence of the appropriate licenses, registrations and certifications that would apply to the specific contracted services.

- ☐ Non-competitive process was used?
 - Explain reasons for selecting contractor(s).

- ☐ Sole source selection method was used?
 - Explain reasons for selecting contractor(s).

Risk Assessment and Monitoring Plan

- £ Were program and contractor risks assessed prior to entering into a contract?
- £ Does the risk assessment form the basis of the monitoring plan?
- £ Was the risk assessment used to determine the scope, frequency, and methods of monitoring and/or auditing to be used to ensure sufficient oversight?

Contract Provisions

Specifically review the contract for the following items:

- £ Is the scope of work clearly written and defined?
- £ Are amendments made in writing and executed prior to the expiration of the original contract?
- £ Are performance measures required and do they satisfy statutorily mandated outcomes?
- £ Are hold harmless and indemnification provisions included?
- £ Are liability and industrial insurance provisions adequate?
- £ Are remedies and sanctions provisions appropriate to safeguard the state's interests?
- £ Do contract termination provisions protect the state's rights?
- £ Was an appropriate compensation method selected and identified in the contract?
- £ Is coordination with other agencies an issue?
- £ Have you looked in the Client Service Contracts Database (CSCD) to coordinate with other agencies using the same contractor?

*NOTE: Does your contract specify that payment to the contractor will **not** be made for the same or similar services for the same client more than once (no duplicate payments)? Also ensure contracts contain language to recover any overpayments.*

Technical Assistance

- £ Will this contractor need technical assistance? What are the indicators?
- £ How will technical assistance be provided to the contractor?

Monitoring

- £ Is there a monitoring plan in place? What monitoring activities are listed in your plan?
- £ If corrective action is needed, is there a corrective action form your agency uses?
- £ If criminal activity is suspected, was it reported?

Post-Contract Follow up

- £ Any activities need follow up?
- £ All invoices have been received and paid?
- £ Follow up on audit findings needed?
- £ Program objectives and outcomes have been evaluated/assessed?

Audits

- £ Have audits been completed on this provider? (For example, A133 audits)
- £ What audit coverage is necessary to assure appropriate spending of state funds?
- £ Was a risk assessment completed to determine whether an audit is needed?
- £ Is corrective action necessary? Were questioned costs and audit findings resolved?

Contracting Activity	Comments
Pre-Contract Considerations	
Document the types of services being contracted. Are these services performed by state agency personnel?	
What type of contract is this? (Client Service, Personal Service)	
Document the following pre-contract decisions.	
J <input type="checkbox"/> Funding Availability	
J <input type="checkbox"/> Type of Appropriation	
J <input type="checkbox"/> Cost/Benefit Analysis	
J <input type="checkbox"/> Available Public Resources	
J <input type="checkbox"/> Legal Constraints to Contracting	
J <input type="checkbox"/> Contracting with Current or Former State Employees	
J <input type="checkbox"/> Independent Contractor Relationship	
J <input type="checkbox"/> Fiscal Considerations (appropriate method of compensation and billing)	
J <input type="checkbox"/> Federally Funded Contracts (subrecipient or vendor)	
J <input type="checkbox"/> Audits (evaluate coverage provided by existing and anticipated audits)	
Contractor Selection and Screening	
Document the decision to use a competitive procurement process or whether a non-competitive, sole source selection method was used.	
For competitive process, were procedures sufficient to obtain an adequate number of responses? How broadly was the solicitation for proposals advertised?	
Were OMWBE firms afforded the maximum practical opportunity in the specific procurement?	
Were appropriate contractor-screening criteria and methods used? Consider the following contractor standards:	
J <input type="checkbox"/> Appropriate experience, staffing, technical qualifications, and facilities.	
J <input type="checkbox"/> Able to comply with the proposed or required time of delivery or performance schedule.	
J <input type="checkbox"/> Adequate administrative and financial capability for performance.	
J <input type="checkbox"/> Satisfactory record of integrity, judgment, and performance.	
J <input type="checkbox"/> Otherwise qualified and eligible to receive a contract under applicable laws and regulations.	
J <input type="checkbox"/> Provided evidence of the appropriate licenses, registrations and certifications that would apply to the specific contracted services.	
Risk Assessment and Monitoring Plan	
Were the program and contractor risks assessed prior to entering into a contract? The assessment should form the basis of the monitoring plan.	
Was the risk assessment used as the basis to determine the scope, frequency, and methods of monitoring and/or auditing to be used to ensure sufficient oversight?	

Contract Checklist Form and Table

Appendix G

Contract Provisions	
Specifically review the contract for the following items:	
J · Is the scope of work clearly written and defined?	
J · Are amendments made in writing and executed prior to the expiration of the original contract?	
J · Are performance measures required and do they satisfy statutorily mandated outcomes?	
J · Are hold harmless and indemnification provisions included?	
J · Are liability and industrial insurance provisions adequate?	
J · Are remedies and sanctions provisions appropriate to safeguard the state's interests?	
J · Do contract termination provisions protect the state's rights?	
J · Was an appropriate compensation method selected and identified in the contract?	
J · Does the contract specify that payment will not be made for the same or similar services for the same client more than once (no duplicate payments)?	
J · Have you looked in the Client Service Contracts Database (CSCD) to coordinate with other agencies using the same contractor?	
Technical Assistance	
Will this contractor need technical assistance? What are the indicators?	
How will technical assistance be provided to the contractor?	
Monitoring	
Is there a monitoring plan in place? What monitoring activities are listed in your plan?	
If corrective action is needed, is there a corrective action form your agency uses?	
If criminal activity is suspected, was it reported?	
Post Contract Follow-up Procedures	
Any activities need follow up?	
All invoices have been received and paid?	
Follow up on audit findings needed?	
Program objectives and outcomes have been evaluated/assessed?	
Audits	
Have audits been completed on this provider? (For example, A133 audits)	
What audit coverage is necessary to assure appropriate spending of state funds?	
Was a risk assessment completed to determine whether an audit is needed?	
Is corrective action necessary? Were questioned costs resolved?	
Are audit findings resolved?	